

NOTICE OF OBJECTION TO CONFIRMATION

PHH MORTGAGE CORPORATION has filed papers with the Court to object to the Confirmation of the Modified Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to object to the Confirmation of the Modified Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

File with the Court an answer, explaining your position at:

**Clerk
U.S. Bankruptcy Court
50 Walnut Street, 3rd Floor
Newark, NJ 07102**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054

MARIE-ANN GREENBERG, Trustee
30 TWO BRIDGES ROAD, SUITE 330
FAIRFIELD, NJ 07004

Attend the hearing scheduled to be held on 02/21/2018 in the NEWARK Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court
50 Walnut Street, 3rd Floor
Newark, NJ 07102**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: January 22, 2018

/s/ James P. Shay

James P. Shay, Esq.

Phelan Hallinan Diamond & Jones, PC

400 Fellowship Road, Suite 100

Mt. Laurel, NJ 08054

Tel: 856-813-5500 Ext. 41326

Fax: 856-813-5501

Email: james.shay@phelanhallinan.com

File No. 785415

Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road
Mt. Laurel, NJ 08054
856-813-5500
FAX Number 856-813-5501
PHH MORTGAGE CORPORATION

In Re:

BRIAN T. FULTZ

Debtors

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE

Chapter 13

Case No. 15-30127 - RG

Hearing Date: 02/21/2018

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, PHH MORTGAGE CORPORATION, the holder of a Mortgage on debtor's residence located at 610 MCBRIDE AVENUE, WOODLAND PARK, NJ 07424-2822 hereby objects to the Confirmation of the debtor's proposed Modified Chapter 13 Plan on the following grounds:

1. Movant is PHH MORTGAGE CORPORATION.
2. The Debtor BRIAN T. FULTZ is the owner of the property located at 610 MCBRIDE AVENUE, WOODLAND PARK, NJ 07424-2822.
3. On November 6, 2015, Movant filed Proof of Claim listing pre-petition arrears in the amount of \$61,740.41.
4. Debtor's Modified Chapter 13 Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
5. Debtor's proposed Modified Chapter 13 Plan provides for the Debtor's pursuit of a loan modification. Debtor's Plan is speculative in nature in that the Modified Plan contemplates curing the arrears through a loan modification that has neither been offered nor approved.
6. Debtor's proposed Modified Chapter 13 Plan fails to provide for full on-going, post-petition regular monthly mortgage payments.

7. Movant objects to Debtor's proposed Modified Chapter 13 Plan as the Plan needs to fund the arrears owed to Movant during the term of the Plan rather than rely on speculation that is based on the possibility of a loan modification that has neither been offered nor approved. Further, Debtor's proposed Modified Chapter 13 Plan needs to provide for full on-going, post-petition regular monthly mortgage payments to Movant. Confirmation of the Debtor's proposed Plan should be denied.

WHEREFORE, PHH MORTGAGE CORPORATION respectfully requests that the Confirmation of Debtor's proposed Modified Chapter 13 Plan be denied.

/s/ James P. Shay
James P. Shay, Esq.
Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054
Tel: 856-813-5500 Ext. 41326
Fax: 856-813-5501
Email: james.shay@phelanhallinan.com

Dated: January 22, 2018

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

785415
Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054
856-813-5500
Attorneys for PHH MORTGAGE CORPORATION

In Re:

Brian T. Fultz

Case No: 15-30127 - RG

Hearing Date: _____

Judge: ROSEMARY
GAMBARDELLA

Chapter: 13

CERTIFICATION OF SERVICE

1. I, Charles Hagan:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents PHH MORTGAGE CORPORATION in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On January 22, 2018 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: January 22, 2018

/s/ Charles Hagan
Charles Hagan

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Brian T. Fultz 615 McBride Avenue, Woodland Park, NJ 07424-2820	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Russell L. Low, Esquire 505 Main Street Suite 304 Hackensack, NJ 07601	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Marie-ann Greenberg, Trustee 30 Two Bridges Road Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.